THE HONOURABLE SRI JUSTIVE C.V. RAMULU

WRIT PETITION NO. 19530 OF 2006

DATED: 18-11-2006

BETWEEN:

B. Perumal, S/o. Doraswamy

… Petitioner

And

The Joint Collector, Chittoor,
Chittoor District and two others

… Respondents

THE HONOURABLE SRI JUSTIVE C.V. RAMULU

WRIT PETITION NO. 19530 OF 2006

ORDER:

This writ petition is filed seeking a Mandamus declaring the order of the 2nd respondent in Roc. (B)/2006, dated 11-09-2006, suspending the authorization of petitioner in respect of Fair Price Shop of Gondivandlavooru village, Yadamari Mandal, Chittoor District as arbitrary and illegal.

It is submitted by the learned counsel for the petitioner that under his proceedings dated 11-09-2006, the second respondent suspended the authorization of the petitioner in respect of fair price shop at Gondivandlavooru village, Yadamari Mandal, Chittoor revenue division pending enquiry into certain allegations made therein. The allegations made against the petitioner are as under:

1. Not produced valid authorization at the time of Inspection.
2. Not maintained proper accounts showing the variation of 6.70 Qtls of rice and 84.4 Kts of K. Oil.
3. Selling P.D.S. rice at Rs.5.50 per kg. I.e. higher.
4. For not distributing the essential commodities soon after lifting.

5. Distributing 25 kgs of rice instead of 35 kgs of AAY Card holders.

6. Not opening the FP shop every day.

While admitting the writ petition, this Court granted interim suspension of the impugned order and further it was made clear that this will not preclude the authorities from conducting a detailed enquiry into the allegations alleged in the impugned proceedings.

Now, a vacate stay petition is filed by the second respondent. In the affidavit filed in support of the said petition, it is stated that the petitioner has already filed a statutory appeal being aggrieved by the impugned proceedings dated 11-09-2006 and the same is pending.

Since the appeal filed by the petitioner is pending and the allegations made in the impugned order are general and not specific, I deem it appropriate to direct the appellate authority to dispose of the very appeal within a period of four (4) weeks from the date of receipt of copy of this order. Till such time, the impugned order shall not be given effect to.

With the above direction, writ petition is disposed of. No costs.

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18-11-2006

Rns.

THE HONOURABLE SRI JUSTIVE C.V. RAMULU

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